

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
Filed: October 5, 2021

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THELMA ANDRAS, * UNPUBLISHED
*
Petitioner, * No. 20-1036V
*
v. * Special Master Gowen
*
SECRETARY OF HEALTH * Stipulation for Award;
AND HUMAN SERVICES, * Tdap vaccine; GBS.
*
*
* Respondent. *
* * * * * * * * * * * * * * *

John Robert Howie, Jr., Howie Law, PC, for petitioner.

Alexa Roggenkamp, U.S. Department of Justice, Washington, D.C., for respondent.

DECISION FOR STIPULATION¹

On August 18, 2020, Thelma Andras (“petitioner”), filed a petition for compensation under the National Vaccine Injury Program.² Petition at Preamble (ECF No. 1). Petitioner received a Tdap vaccine on August 10, 2017. *Id.* at Preamble; Stipulation for Award (ECF No. 33). Petitioner alleges that as a result of receiving the Tdap vaccine, she suffered Guillain-Barre Syndrome (“GBS”). Stipulation at ¶ 4.

On October 5, 2021, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Respondent denies that the flu vaccine is the cause of petitioner’s alleged injuries, or any other injury or her current condition. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions, the parties now agree that the issues

¹ Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. **This means the opinion will be available to anyone with access to the Internet.** Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes.** *Id.*

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

between them shall be settled and that a decision should be entered awarding the compensation to the petitioner according to the terms of the stipulation attached hereto as Appendix A. *Id.* at ¶ 7.

The stipulation provides:

- 1) A lump sum of \$47,500.00 in the form of a check payable to petitioner; and**
- 2) A lump sum of \$10,000.00, representing reimbursement of a Medicaid lien for services rendered to petitioner by the State of Louisiana, the form of a check payable jointly to petitioner and the Louisiana Department of health, and mailed to:**

**Louisiana Department of Health
c/o Ryan Hart/BIN #20
Bienville Building
628 North 4th Street
P.O. Box 3836
Baton Rouge, Louisiana 70821-3836**

Petitioner agrees to endorse this check to the Louisiana Department of Health.

These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

I adopt the parties' stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. The Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Entry of judgment is expedited by each party's filing notice renouncing the right to seek review. Vaccine Rule 11(a).